

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:15-cv-01431-TSC

SMITH v. CENTRAL INTELLIGENCE AGENCY
Assigned to: Judge Tanya S. Chutkan
Case: 1:16-cv-01610-TSC
Cause: 05:552 Freedom of Information Act

Date Filed: 09/02/2015
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**GRANT F. SMITH**

represented by **GRANT F. SMITH**
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#2
Washington, DC 20007
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PRO SE

V.

Defendant

**CENTRAL INTELLIGENCE
AGENCY**
Washington, DC 20505

represented by **Joseph Evan Borson**
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TERMINATED: 12/08/2015

Date Filed	#	Docket Text
09/02/2015	<u>1</u>	COMPLAINT against CENTRAL INTELLIGENCE AGENCY (Filing fee \$ 400, receipt number 4616073337) filed by GRANT F. SMITH. (Attachments: # <u>1</u> Civil Cover Sheet)(td) (Entered: 09/04/2015)
09/02/2015		SUMMONS (3) Issued as to CENTRAL INTELLIGENCE AGENCY, U.S. Attorney and U.S. Attorney General (td) (Entered: 09/04/2015)
09/02/2015	<u>2</u>	NOTICE OF RELATED CASE by GRANT F. SMITH. Case related to Case No. 15-cv-224 TSC. (td) (Entered: 09/04/2015)
09/02/2015	<u>3</u>	MOTION for CM/ECF Password by GRANT F. SMITH (td) (Entered: 09/04/2015)
09/08/2015		MINUTE ORDER: Granting <u>3</u> Motion for CM/ECF Password. Signed by Judge Tanya S. Chutkan on 9/8/15. (DJS) (Entered: 09/08/2015)

10/09/2015	<u>4</u>	NOTICE of Appearance by Joseph Charles Folio, III on behalf of CENTRAL INTELLIGENCE AGENCY (Folio, Joseph) (Entered: 10/09/2015)
10/09/2015	<u>5</u>	ANSWER to <u>1</u> Complaint by CENTRAL INTELLIGENCE AGENCY.(Folio, Joseph) (Entered: 10/09/2015)
10/13/2015		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues and that contains a proposed schedule and order not later than 10/27/15. Signed by Judge Tanya S. Chutkan on 10/13/15. (DJS) (Entered: 10/13/2015)
10/14/2015		Set/Reset Deadlines: Status Report due by 10/27/2015. (zsm) (Entered: 10/14/2015)
10/26/2015	<u>6</u>	ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the District of Columbia Attorney General. Date of Service Upon District of Columbia Attorney General 9/9/2015. Answer due for ALL D.C. DEFENDANTS by 9/30/2015. (SMITH, GRANT) Modified on 10/27/2015 (znmw). (Entered: 10/26/2015)
10/26/2015	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 09/09/2015. (SMITH, GRANT) (Entered: 10/26/2015)
10/26/2015	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/9/2015. Answer due for ALL FEDERAL DEFENDANTS by 10/9/2015. (SMITH, GRANT) (Entered: 10/26/2015)
10/27/2015		NOTICE OF CORRECTED DOCKET ENTRY: Docket Entry <u>6</u> Summons Returned Executed as to DC Attorney General was entered in error (incorrect event0 and was refiled correctly as Docket Entry <u>8</u> Summons Returned Executed as to the United States Attorney. (znmw) (Entered: 10/27/2015)
10/27/2015	<u>9</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Folio, Joseph) (Entered: 10/27/2015)
10/28/2015		MINUTE ORDER: Having considered the parties' Joint Status Report <u>9</u> , the following briefing schedule shall apply: Defendant's Motion for Summary Judgment due by January 29, 2016. Plaintiff's Opposition and COMBINED Cross-Motion for Summary Judgment due by February 26, 2016. Defendant's Opposition and COMBINED Reply in Support of Motion for Summary Judgment due by March 25, 2016. Plaintiff's Reply in Support of Cross-Motion for Summary Judgment due by April 8, 2016. Signed by Judge Tanya S. Chutkan on 10/28/15. (DJS) (Entered: 10/28/2015)
10/29/2015		Set/Reset Deadlines: Cross Motions due by 2/26/2016. Response to Cross Motions due by 3/25/2016. Reply to Cross Motions due by 4/8/2016. Summary Judgment motions due by 1/29/2016. Response to Motion for Summary Judgment due by 2/26/2016. Reply to Motion for Summary Judgment due by 3/25/2016. (tth) (Entered: 10/29/2015)
12/08/2015	<u>10</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Joseph Evan Borson on behalf of CENTRAL INTELLIGENCE AGENCY Substituting for attorney Joseph C. Folio III (Borson, Joseph) (Entered: 12/08/2015)
01/27/2016	<u>11</u>	Unopposed MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Borson, Joseph) (Entered: 01/27/2016)
01/28/2016		MINUTE ORDER: Granting <u>11</u> Unopposed Motion for Extension of Time to File Motion for Summary Judgment. Defendant's motion for summary judgment is due by February 5, 2016. Plaintiff's opposition and combined cross-motion for summary

		judgment is due by March 4, 2016. Defendant's opposition and combined reply in support of its motion for summary judgment is due by April 1, 2016. Plaintiff's reply in support of his cross-motion for summary judgment is due by April 15, 2016. Signed by Judge Tanya S. Chutkan on 1/28/16. (DJS) (Entered: 01/28/2016)
01/29/2016		Set/Reset Deadlines: Summary Judgment motions due by 2/5/2016. Response to Motion for Summary Judgment due by 3/4/2016. Reply to Motion for Summary Judgment due by 4/1/2016. Reply due by 4/15/2016. (zsm) (Entered: 01/29/2016)
02/05/2016	<u>12</u>	MOTION for Summary Judgment by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration, # <u>3</u> Text of Proposed Order)(Borson, Joseph) (Entered: 02/05/2016)
03/04/2016	<u>13</u>	Memorandum in opposition to re <u>12</u> MOTION for Summary Judgment filed by GRANT F. SMITH. (Attachments: # <u>1</u> Memorandum in Support MEMORANDUM IN OPPOSITION TO DEFENDANT MOTION FOR SUMMARY JUDGEMENT, # <u>2</u> Memorandum in Support PLAINTIFFS OPPOSITION TO DECLARATION OF ANTOINETTE B. SHINER., # <u>3</u> Text of Proposed Order TO DENY DEFENDANT MOTION FOR SUMMARY JUDGEMENT)(SMITH, GRANT) (Entered: 03/04/2016)
04/01/2016	<u>14</u>	REPLY to opposition to motion re <u>12</u> MOTION for Summary Judgment filed by CENTRAL INTELLIGENCE AGENCY. (Borson, Joseph) (Entered: 04/01/2016)
04/15/2016	<u>15</u>	RESPONSE re <u>12</u> MOTION for Summary Judgment <i>and Reply</i> filed by GRANT F. SMITH. (SMITH, GRANT) (Entered: 04/15/2016)
03/30/2017	<u>16</u>	MEMORANDUM AND OPINION re Defendant's motion for summary judgment. Signed by Judge Tanya S. Chutkan on 3/30/2017. (lctsc3) (Entered: 03/30/2017)
03/30/2017	<u>17</u>	ORDER denying <u>12</u> Defendant's motion for summary judgment. Signed by Judge Tanya S. Chutkan on 3/30/2017. (lctsc3) (Entered: 03/30/2017)
04/04/2017		MINUTE ORDER: A Status Conference is hereby set for 4/27/17 at 10:30 a.m. in Courtroom 2. By 4/24/17, the parties shall submit a jointly proposed schedule (along with a proposed order) for moving forward with this action. In the event both parties agree that a Status Conference is not necessary, the parties shall so indicate on the first line of their Joint Status Report. Signed by Judge Tanya S. Chutkan on 4/4/17. (DJS) (Entered: 04/04/2017)
04/05/2017		Set/Reset Deadlines/Hearings: Jointly Proposed Schedule due by 4/24/2017. Status Conference set for 4/27/2017 at 10:30 AM in Courtroom 2 before Judge Tanya S. Chutkan. (tb) (Entered: 04/05/2017)
04/21/2017	<u>18</u>	MOTION for Reconsideration re <u>17</u> Order by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Mark W. Ewing, # <u>3</u> Text of Proposed Order)(Borson, Joseph) (Entered: 04/21/2017)
04/24/2017	<u>19</u>	RESPONSE TO ORDER OF THE COURT re Order, <i>MINUTE ORDER</i> 4/4/2017 filed by GRANT F. SMITH. (SMITH, GRANT) (Entered: 04/24/2017)
04/24/2017	<u>20</u>	STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Borson, Joseph) (Entered: 04/24/2017)
04/24/2017	<u>21</u>	Memorandum in opposition to re <u>18</u> MOTION for Reconsideration re <u>17</u> Order filed by GRANT F. SMITH. (SMITH, GRANT) (Entered: 04/24/2017)
04/24/2017		MINUTE ORDER: In light of Defendant's <u>18</u> Motion for Reconsideration, the status previously scheduled for 4/27 is hereby vacated pending resolution of the motion. Plaintiff's response is due on or before 5/8 and shall not exceed 15 pages. "Responses" to this minute order will not be permitted. Signed by Judge Tanya S. Chutkan on 4/24/2017. (lctsc3) (Entered: 04/24/2017)
04/25/2017		MINUTE ORDER: In light of Plaintiff's request in his <u>21</u> "Memorandum in Opposition" of a May 15 deadline for his response to Defendant's Motion for Reconsideration, Plaintiff's 5/8 deadline is hereby extended to 5/15. Signed by Judge Tanya S. Chutkan on 4/25/2017. (lctsc3) (Entered: 04/25/2017)

04/25/2017		Set/Reset Deadlines: Plaintiff's response to motion for reconsideration due by 5/15/2017. (tb) (Entered: 04/25/2017)
04/25/2017		Set/Reset Deadlines: Plaintiff's response due by 5/8/2017. (tb) (Entered: 04/25/2017)
05/15/2017	<u>22</u>	RESPONSE re <u>18</u> MOTION for Reconsideration re <u>17</u> Order <i>Opposition</i> filed by GRANT F. SMITH. (SMITH, GRANT) (Entered: 05/15/2017)
05/22/2017	<u>23</u>	REPLY to opposition to motion re <u>18</u> MOTION for Reconsideration re <u>17</u> Order filed by CENTRAL INTELLIGENCE AGENCY. (Borson, Joseph) (Entered: 05/22/2017)
08/23/2017	<u>24</u>	ORDER denying <u>18</u> Defendant's Motion for Reconsideration. Signed by Judge Tanya S. Chutkan on 8/23/2017. (lctsc3) (Entered: 08/23/2017)
09/08/2017		MINUTE ORDER: The parties shall file a Joint Status Report by 9/22/17 that includes a proposed schedule and proposed order for moving forward with this case. Signed by Judge Tanya S. Chutkan on 9/8/17. (DJS) (Entered: 09/08/2017)
09/08/2017		Set/Reset Deadlines: Joint Status Report due by 9/22/2017. (tb) (Entered: 09/08/2017)
09/22/2017	<u>25</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Text of Proposed Order Def.'s Proposed Order, # <u>2</u> Text of Proposed Order Pl.'s Proposed Order)(Borson, Joseph) (Entered: 09/22/2017)
10/03/2017		MINUTE ORDER: Having considered the position of the parties as set forth in the Joint Status Report <u>25</u> , it is hereby ordered that the parties shall adhere to the following deadlines: Defendant's Summary Judgment Brief due by November 3, 2017. Plaintiff's Opposition Brief due by December 1, 2017. Defendant's Reply Brief due by December 22, 2017 Signed by Judge Tanya S. Chutkan on 10/3/17. (DJS) (Entered: 10/03/2017)
10/04/2017		Set/Reset Deadlines: Summary Judgment motion due by 11/3/2017. Response to Motion for Summary Judgment due by 12/1/2017. Reply to Motion for Summary Judgment due by 12/22/2017. (tb) (Entered: 10/04/2017)
11/03/2017	<u>26</u>	Second MOTION for Summary Judgment by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Antoinette B. Shiner (2nd), # <u>3</u> Statement of Facts, # <u>4</u> Text of Proposed Order)(Borson, Joseph) (Entered: 11/03/2017)
12/01/2017	<u>27</u>	MOTION to Amend/Correct <u>1</u> Complaint filed by GRANT F. SMITH. (Attachments: # <u>1</u> Supplement First Amended Complaint, # <u>2</u> Exhibit Exhibits, # <u>3</u> Text of Proposed Order Proposed Order)(SMITH, GRANT) Modified event title on 12/4/2017 (znmw). (Entered: 12/01/2017)
12/05/2017	<u>28</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>27</u> MOTION to Amend/Correct <i>Complaint</i> by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Borson, Joseph) (Entered: 12/05/2017)
12/05/2017		MINUTE ORDER: Granting <u>28</u> Unopposed Motion for Extension of Time to File Response/Reply. Defendant shall file its response to Plaintiff's motion to amend the complaint <u>27</u> by December 22, 2017. Signed by Judge Tanya S. Chutkan on 12/5/17. (DJS) (Entered: 12/05/2017)
12/06/2017		Set/Reset Deadlines: Response due by 12/22/2017. (tb) (Entered: 12/06/2017)
12/22/2017	<u>29</u>	RESPONSE re <u>27</u> MOTION to Amend/Correct <i>Complaint</i> filed by CENTRAL INTELLIGENCE AGENCY. (Borson, Joseph) (Entered: 12/22/2017)
09/28/2018	<u>30</u>	ORDER denying <u>27</u> Plaintiff's Motion to Amend. The parties shall meet, confer, and submit a joint proposed briefing schedule for the CIA's pending <u>26</u> Second Motion for Summary Judgment. The proposed schedule is due on October 12, 2018. Signed by Judge Tanya S. Chutkan on 9/28/2018. (lctsc2). (Entered: 09/28/2018)
10/01/2018		Set/Reset Deadlines: Joint Status Report due by 10/12/2018. (tb) (Entered: 10/01/2018)
10/12/2018	<u>31</u>	NOTICE of Change of Address by Joseph Evan Borson (Borson, Joseph) (Entered: 10/12/2018)

10/12/2018	<u>32</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Borson, Joseph) (Entered: 10/12/2018)
10/22/2018		MINUTE ORDER: Having considered the parties' joints status report <u>32</u> , it is hereby ordered that the parties shall adhere to the following briefing schedule: Plaintiff shall submit his opposition to Defendant's Second Motion for Summary Judgment by November 9, 2018. Defendant shall submit its reply by December 7, 2018. Signed by Judge Tanya S. Chutkan on 10/22/18. (DJS) (Entered: 10/22/2018)
10/23/2018		Set/Reset Deadlines: Response to Motion for Summary Judgment due by 11/9/2018. Reply to Motion for Summary Judgment due by 12/7/2018. (tb) (Entered: 10/23/2018)
11/08/2018	<u>33</u>	RESPONSE re <u>26</u> Second MOTION for Summary Judgment <i>MOTION IN OPPOSITION TO SECOND DEFENDANT MOTION FOR SUMMARY JUDGEMENT</i> filed by GRANT F. SMITH. (Attachments: # <u>1</u> Memorandum in Support MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANTS SECOND MOTION FOR SUMMARY JUDGEMENT, # <u>2</u> Text of Proposed Order PROPOSED ORDER, # <u>3</u> Exhibit Exhibit A – Senate Select Committee on Intelligence, Committee Study of the Central Intelligence Agency's Detention and Interrogation Program, December 3, 2014, # <u>4</u> Exhibit Exhibit B – Studies in Intelligence, Vol 57, No 3, September 2013, released September 29, 2014, # <u>5</u> Exhibit Exhibit C– Congresswoman Eleanor Holmes Norton letter, March 30, 2018)(SMITH, GRANT) (Entered: 11/08/2018)
11/09/2018	<u>34</u>	MOTION TO AMEND COMPLAINT <i>Motion Adding DNI</i> against CENTRAL INTELLIGENCE AGENCY filed by GRANT F. SMITH. (Attachments: # <u>1</u> Memorandum in Support Amended Complaint, # <u>2</u> Text of Proposed Order Proposed Order, # <u>3</u> Appendix List, # <u>4</u> Exhibit CIA FOIA, # <u>5</u> Exhibit CIA Denial, # <u>6</u> Exhibit CIA Appeal, # <u>7</u> Exhibit DNI FOIA, # <u>8</u> Exhibit DNI Denial, # <u>9</u> Exhibit DNI Appeal)(SMITH, GRANT) Modified event and text on 11/13/2018 (ztd). (Entered: 11/09/2018)
11/14/2018	<u>35</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>34</u> MOTION to Amend/Correct <i>Complaint</i> by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Borson, Joseph) (Entered: 11/14/2018)
11/15/2018		MINUTE ORDER: Granting <u>35</u> Unopposed Motion for Extension of Time to File Response/Reply. Defendant shall file its response to Plaintiff's second motion for leave to amend the complaint <u>34</u> by December 7, 2018. Signed by Judge Tanya S. Chutkan on 11/5/18. (DJS) (Entered: 11/15/2018)
11/15/2018		Set/Reset Deadlines: Response due by 12/7/2018. (tb) (Entered: 11/15/2018)
12/07/2018	<u>36</u>	REPLY to opposition to motion re <u>26</u> Second MOTION for Summary Judgment filed by CENTRAL INTELLIGENCE AGENCY. (Borson, Joseph) (Entered: 12/07/2018)
12/07/2018	<u>37</u>	Memorandum in opposition to re <u>34</u> MOTION to Amend/Correct filed by CENTRAL INTELLIGENCE AGENCY. (Borson, Joseph) (Entered: 12/07/2018)